

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH
ORGANISATION,

Plaintiff,

V.

MEDIATEK INC.; MEDIATEK USA INC.;
RALINK TECHNOLOGY CORP. (USA);
RALINK TECHNOLOGY CORP. (TAIWAN);
REALTEK SEMICONDUCTOR CORP.;
TEXAS INSTRUMENTS INC.;
AMAZON.COM, INC.; BARNES & NOBLE,
INC.; NOKIA CORP.; NOKIA, INC.;
SAMSUNG ELECTRONICS CO. LTD.;
SAMSUNG ELECTRONICS AMERICA, LLC;
and SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC;

Defendants.

Case No. 6:12-cv-578 (LED)

Jury Trial Requested

**PLAINTIFF COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH
ORGANISATION'S NOTICE OF READINESS FOR SCHEDULING CONFERENCE**

Plaintiff Commonwealth Scientific and Industrial Research Organisation (“CSIRO”) hereby files the instant Notice that the case is ready for scheduling conference at the Court’s convenience.

Service on one of the defendants, Realtek Semiconductor Corp., is disputed. CSIRO contends that Realtek was properly served pursuant to F.R.C.P. 4(f)(2)(C)(ii), when the clerk of this Court mailed the complaint and summons by FedEx and Realtek accepted delivery of that package and signed for it on October 22, 2012. (See CSIRO Motion for Service Under F.R.C.P.

4(f)(3), Dkt. #47, at 2-3). Realtek contends that service by FedEx is not a proper means of service, and also appears to contend that the service was nullified when Realtek purported to “reject” the delivery by returning it to the courier the day after Realtek had accepted it and signed for it. (See Realtek Oppo. to Motion for Service Under F.R.C.P. 4(f)(3), Dkt. #56; Realtek Sur-Reply to Motion for Service under F.R.C.P. 4(f)(3), Dkt. #84). All defendants other than Realtek have answered.

The only currently pending motion is CSIRO’s Motion for an Order Authorizing CSIRO to Serve Realtek Pursuant to F.R.C.P. 4(f)(3). As explained in the briefing on that motion, it was filed in an abundance of caution to conclusively resolve any dispute regarding the propriety of service. (See CSIRO Reply Brief, Dkt. #68 at 2-3).

Cases previously filed in the Eastern District of Texas involving the patent-in-suit, U.S. Patent No. 5,487,069, include prior cases *CSIRO v. Buffalo Inc.*, 6:06-cv-324; *Microsoft Corp. v. CSIRO*, 6:06-cv-549; *CSIRO v. Toshiba Inc.*, 6:06-cv-550; *Intel Corp. v. CSIRO*, 6:06-cv-551; *Marvell Semiconductor v. CSIRO*, 6:07-cv-204; and *CSIRO v. Lenovo (United States) Inc.*, 6:09-cv-399.1, and currently pending case *CSIRO v. Cisco Systems, Inc.*, 6:11-cv-343. The *Markman* Hearing in the *CSIRO v. Cisco* case is currently schedule for January 31, 2013, and trial is scheduled for February 10, 2014.

Dated: December 13, 2012

Respectfully submitted,

/s/ Michael Ng

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¹ Consolidated case, including *CSIRO v. Lenovo (United States) Inc.*, 6:09-cv-399; *Broadcom Corp. v. CSIRO*, 6:09-cv-513; *CSIRO v. Sony Corp.*, 6:09-cv-400; *CSIRO v. Acer Inc.*, 6:09-cv-401; *CSIRO v. T-Mobile USA, Inc.*, 6:10-cv-65; *CSIRO v. Cello Partnership d/b/a Verizon Wireless*, 6:10-cv-66; and *CSIRO v. AT&T Inc.*, 6:10-cv-67.

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**ATTORNEYS FOR PLAINTIFF
COMMONWEALTH SCIENTIFIC AND
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of December, 2012, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Michael Ng
Michael Ng